

REMARKS

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In response to the Office Action of December 17, 2004, the Applicant comments as follows:

Rejection Under 35 USC § 102:

Claims 1-2, 4-5, 7-8 and 10-14 currently stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 4,586,688 to Hartman et al. (hereinafter "Hartman et al."). The Applicant respectfully traverses this rejection.

Referring to the objection to claim 1, it is noted that Hartman et al. discloses a fishing rod support comprising a restriction member having an opening to receive a portion of a fishing rod configured to substantially limit rotational movement about a vertical axis, and an operatively coupled retaining member configured to releasably inhibit vertical movement of the fishing rod portion. However, the Applicant contends that the manner in which the Hartman et al. device operates clearly does not anticipate the present invention.

Hartman et al. discloses a restriction member that is used in a horizontal manner and has a horizontal, axial, and U-shaped opening along the entire length of the restriction member. Also, Hartman et al.'s operatively coupled retaining member is also used in a horizontal manner with a horizontal and axial opening along its entire length. Further, the retaining member is rotationally coupled to the restriction member about a horizontal pivot axis. As such, the restriction member and the retaining member act by relative rotation of one component about a common longitudinal axis. In order to release the fishing rod, only a vertical movement is required to cause the retaining member to rotate.

In contrast, the current invention is used in a vertical manner and has a vertical opening (preferably in the shape of a wedge or V-shaped slot) which is perpendicular to, and preferably located in one end of the restriction member. The current invention's operatively coupled retaining member is used in a vertical manner but includes a horizontal opening in its side wall. It is slideably coupled to the restriction member in a coaxial fashion about a vertical axis. The slideable restriction member moves up or down

to allow the horizontal opening to be located in a position wherein access can be gained to the vertical opening through the horizontal opening.

It is clear that the device of Hartman et al. does not operate in the fashion, or have the necessary horizontal and vertical openings. As such, it clearly cannot anticipate the present invention.

In addition to the above differences, it is also noted that Hartman et al. discloses a fishing rod support that is originally manufactured for thin rods having a U-shaped opening with straight sides and a rounded bottom with protuberances (34, 35 – figure 5, although best seen but not labelled in figure 2) in the restriction member's opening. When used for larger rods, these protuberances must be filed or clipped. (see column 3, line 62). This modification would prevent the user from having the ability to go back to using a thin rod again. In contrast, the current invention's opening, and particularly the wedge or V-shaped slot, allows the use of thin or wide rods with no modifications required.

Hartman et al. also discloses a fishing rod holder with "a unique secure interference fit of multiple parts" (abstract) which require "close fitting tolerances" (column 6, line 38) and the "receptacle and cover members are formed of plastic molded in a plastic injection molding machine." (Claim 9) In contrast, the current invention is a simple assembly of two members with simple slots or openings and relatively large tolerances that can be readily hand made from, for example, commercially available tubing regardless of the material.

As such, the Applicant contends that Claim 1 of the present application, as currently amended, is clearly not anticipated by the disclosure of Hartman et al.

Further, in respect of claims 2, 4-5, 7-8 and 10-14, it is the Applicant's view that these claims are now directly or indirectly dependent on allowable Claim 1, and therefore are also allowable in the present application. Accordingly, the Applicant contends that these claims are also not anticipated by the device described by Hartman et al.

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Rejection Under 35 USC § 103:

Claim 9 currently stands rejected under 35 U.S.C. § 103(a) as being obvious over Hartman et al. as applied to claim 8 in view of U.S. Patent No. 4,656,774 to Terrill. The Applicant respectfully traverses this rejection.

While auger bits may be known, it is noted that Claim 9 is now indirectly dependent on allowable Claim 1, and therefore is also allowable in the present application, since the Applicant contends that the combination of Terrill and Hartman et al. would not lead the skilled artisan to the present invention since there is nothing in either Hartman et al. or Terrill to lead the skilled artisan to the fishing rod support of the present invention.

Additional Claims:

The Applicant has added new claims 15 and 16 to further clarify the scope of the invention. No additional subject matter has been added as a result of this amendment, and the subject matter of these claims can be clearly seen in the Figures as originally filed. Further, since these claims are clearly restrictions on the scope of Claim 1, no additional searching is required in respect of these new claims.

SUMMARY

The claims have been amended in order to place the current application in condition for allowance in accordance with the comments made by the Examiner in the Office Action of December 17, 2004. As such, it is believed that the current application is allowable, and notification to that effect is respectfully requested.

Should any clarification be required, or should the Examiner wish to comment further, he is urged to contact the undersigned by telephone at his earliest convenience.

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As such, having addressed all issues raised by the Examiner, the Applicant contends that the present application is in condition for allowance, and notification to that effect is respectfully requested. Accordingly, favourable reconsideration of this application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D Willard". The signature is fluid and cursive, with a long horizontal stroke at the end.

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